

REMARKS

This Amendment is responsive to the April 19, 2004 Office Action in this application. In the foregoing amendments, claims 1, 3, 4, 8, 11, 12, and 14-19 were amended, claims 2, 13, and 20 were cancelled, and new claims 21-23 were added. The Examiner is thanked for the indication of allowable subject matter in claims 4 and 15.

In the Office Action, claims 1-3, 5, 6, and 11-13 stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 5,342,007 to LaPlante. Claims 1-3, 5, 6, and 11-13 also stand rejected under 35 U.S.C. § 103(a) for obviousness over U.S. Design Patent No. D163,617 to Lilja, in view of U.S. Patent No. 5,330,145 to Evans et al. ("Evans"). Claim 6 stands rejected under 35 U.S.C. § 103(a) for obviousness over LaPlante in view of U.S. Patent No. 6,575,417 to Krommenakker. Claim 7 stands rejected under 35 U.S.C. § 103(a) for obviousness over LaPlante in view of U.S. Patent No. 5,924,659 to Babcock. Finally, claims 8-10, 14, and 16-20 stand rejected under 35 U.S.C. § 103(a) for obviousness over Lilja in view of Evans, and further in view of U.S. Design Patent No. D464,499 to Gharst. Generally, independent claims 1 and 14 stand rejected over the teachings of the LaPlante and Lilja patents either taken alone or in combination with various secondary references. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the Examiner's rejections.

As amended, independent claim 1 is directed to a portable containment unit that includes a cross member and at least one support member attached to and extending away from the cross member. The support member is configured to support the cross member above a ground surface. The cross member defines at least one receptacle orifice configured to receive at least one object therein. As amended, independent claim 1 now further sets forth that the cross member comprises recessed portions defined on opposite sides of the cross member forming at least one tapered end on the cross member adapted to support sports-related or other equipment. Similar amendments to the foregoing were made to independent claim 14 and the following discussion is equally applicable to independent claim 14.

The LaPlante patent discloses a frame for dental equipment that includes a base (14) having two parallel, upright supports (18, 20) and an upper support plate (22), which defines a number of openings (27) for receiving one or more cup-shaped structures (32). The Lilja patent discloses a serving stand with a single pointed support beam and a

crosspiece or member that defines several openings for receiving cups and plates. The various secondary references relied upon by the Examiner were cited because in the Examiner's opinion the secondary references teach certain features of the claimed invention.

The Examiner also discussed several additional references on page 7 of the Office Action, none of which were cited by the Examiner in connection with any pending claims. In order to expedite prosecution of this application, a discussion is provided herein relating to U.S. Patent Nos. 5,713,546 to Auspos and 5,647,075 to Perkins, which the Examiner may indicate are relevant to the amendments added to independent claims 1 and 14.

Applicant respectfully submits that the cross member as set forth in independent claims 1 and 14 distinguishes over the previously cited references. As amended, independent claim 1 now sets forth that the cross member includes recessed portions defined on opposite sides of the cross member that form at least one tapered end on the cross member adapted to support sports-related or other equipment. The recessed portions are identified by reference number "40" in the Figures of the application. The recessed portions form one or more tapered ends on the cross member for supporting equipment such as sports-related equipment and, in particular, horseshoes as one example of such sports-related equipment. The cited references, including LaPlante, Lilja, Evans, Krommenakker, Babcock, and Gharst fail to teach or suggest this feature added to independent claims 1 and 14.

The Examiner states on page 3 of the Office Action that Lilja discloses two recessed portions on opposite sides of a cross member. Applicant respectfully disagrees as a close inspection of the Figures of Lilja shows that the disclosed serving stand is substantially oval shaped, and does not have the recessed portions now set forth in independent claims 1 and 14. The other cited references, as indicated, fail to teach or suggest the recessed portions defining at least one tapered end on the cross member as set forth in amended independent claim 1.

With respect to the Auspos and Perkins patents, these references also fail to teach or suggest the claimed recessed portions defining one or more tapered ends on a cross member. For example, Auspos discloses a tray (21) that is pivotally connected to a stake (22). The tray (21) is generally oval-shaped at a distal end remote from the stake (22). A close inspection of the Figures of Auspos will show that the tray (21) does not have the opposing recessed portions in the manner set forth in amended independent claim 1, and the oval shape of the tray (21) is clearly not suitable for supporting equipment such as sports-

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related equipment. With respect to Perkins, this patent discloses a table suitable for use with a hammock stand and has a generally tapered end proximate to reference number "7" in Fig. 1. However, the hammock stand disclosed by Perkins clearly does not disclose the claimed recess portions in independent claims 1 and 14.

For the foregoing reasons, Applicant respectfully submits that amended independent claims 1 and 14 distinguish over the references cited by the Examiner and the Auspos and Perkins patents for all the reasons discussed hereinabove. Reconsideration of the Examiner's rejections of independent claims 1 and 14 is respectfully requested.

Claims 3 and 5-12 depend directly or indirectly from and add further limitations to independent claim 1, and distinguish over the cited references and the Auspos and Perkins patents for all the reasons discussed previously. Likewise, claims 15-19 depend directly or indirectly from and add further limitations to independent claim 14, and distinguish over the cited references and the Auspos and Perkins patents for all the reasons discussed previously. Reconsideration of the Examiner's rejections of the foregoing dependent claims is respectfully requested.

Applicant notes that allowable claims 4 and 15 were amended to conform with the claim language changed or added to independent claims 1 and 14 and are of an editorial nature only. Claim 3 was amended to further set forth that the cross member is elongated and may include two tapered ends at opposite longitudinal ends of the cross member to further clarify one aspect of the invention. Claims 11, 12, 17, and 18 were amended to clarify that the receptacle orifice may accept a receptacle, and these amendments are again of an editorial nature only. Claim 16 was amended to conform to the language changes set forth in amended independent claim 14 and are of an editorial nature only. Claim 19 was amended to set forth that the cross member and support member may be made of wood or plastic. New claim 21 was added to depend from independent claim 1 and is generally similar to amended claim 19.

New independent claim 22 is directed to a portable containment unit that includes a cross member, at least one support member attached to and extending away from the cross member and configured to support the cross member above a ground surface, and at least one receptacle. The cross member is further defined as including opposite ends adapted to support sports-related or other equipment. Additionally, new independent claim 22 states that the cross member defines at least one receptacle orifice. The receptacle is removably associated with the receptacle orifice and is configured to receive at least one object therein. New claim 23 depends from claim 22 and sets forth that the opposite ends of the cross

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Application No. 10/621,804
Amdt. Dated July 19, 2004
In Reply to Office Action of April 19, 2004
Attorney Docket No. 4111-030950

member may be tapered, and the tapered ends may be formed by recessed portions defined on opposite sides of the cross member. The recessed portions are adapted to support the sports-related or other equipment.

Applicant respectfully submits that the prior art of record fails to teach or suggest the combination set forth in new independent claim 22, namely a unit or stand including a cross member with opposite ends adapted to support sports-related or other equipment and defining one or more receptacle orifices receiving one or more removable receptacles therein. The prior art of record, while teaching stands with receptacle openings, does not teach or suggest the claimed removable receptacles in combination with the claimed cross member having opposite or dual ends adapted to support sports-related or other equipment.

In view of the foregoing, Applicant respectfully submits that pending claims 1, 3-12, 14-19, and 21-23 distinguish over the prior art of record and are in condition for allowance. Reconsideration of the Examiner's rejections and allowance of pending claims 1, 3-12, 14-19, and 21-23 are respectfully requested.

Respectfully submitted,

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